

REMARKS

Applicant has carefully reviewed the Office Action dated August 14, 2003. Applicant has amended Claims 1 and 7 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-5, 16-18, 25 and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Swartz et al.* Claims 16-37 have been cancelled to simplify the prosecution of this case such that only the embodiment covered by Claims 1-15 will be discussed. With respect to the remaining claims, this rejection is respectfully traversed.

Applicant's present inventive concept, as defined by the amended claim, is directed toward a battery pack for a wireless phone, which battery pack includes a scanning device with an optical reader. This optical reader provides a number of functions. First, it is operable to receive and decode information from optical indicia, such as a bar code. This information is then processed and a message packet transmitted through the wireless communication link provided by the cellular telephone or wireless communication device. The wireless communication device allows a connection to be made to a remote location, which location is defined by the optical reader that is disposed in the housing. This optical reader is operable to not only extract information from the optical indicia, but also interface with a wireless communication device interconnected with a network in order to establish a communication link therewith.

Swartz et al., as noted by the Examiner, discloses in Figure 10 a removable power supply that is attachable to a communication device, such as a cellular telephone (205). The disclosure associated with Figure 10 is set forth in the specification beginning at Col. 11, line 63 and extending to Col. 12, line 14. The specification basically sets forth that a bar code scanning module is built into the battery pack with communication provided from the bar code scanning module to the cellular telephone. However, there is no disclosure or enabling circuitry illustrating as to how the communication is effected. All that one can assume from this specification is that information that is extracted from the

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optical indicia is transferred to the cellular telephone. However, it is noted that the cellular telephone must have a "scan operating mode" (Col. 12, line 11). The cellular telephone is not a conventional cellular telephone and the functionality of the communication interface that allows information to be transmitted to a particular location on a network, connection to that particular location, etc., is not contained within the scanned module. Therefore, the scanned module is nothing more than just a simple scan module. In contradistinction, Applicant's present inventive concept, as defined by the amended claims, is directed toward the concept of providing all the functionality necessary for the scanning and communication operation to effect a connection with a network, all of which is provided within the scan module. As such, Applicant believes that *Swartz et al.* does not anticipate or obviate Applicant's present inventive concept, as defined by the amended claims. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection with respect to the amended Claim 1.

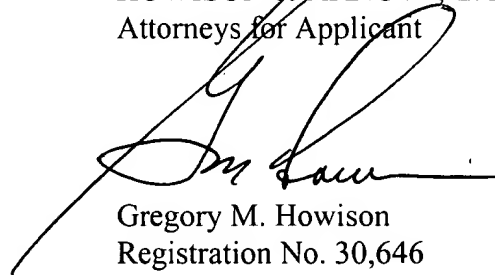
The Examiner has cited a number of additional references, specifically the *Gelnovatch et al.* and the *Friel et al.* patents. The *Friel et al.* patent is directed toward a smart charger that basically includes a processor and the such in the battery which is operable to interface with a host device. These are well known devices. The *Gelnovatch et al.* basically discloses functionality that is contained within the battery that is operable to have a self contained transceiver that can communicate information about the battery to a remote device. Neither of these illustrates the operation wherein functionality is contained within the battery pack that allows the scanning of information to be facilitated by the scanning device, which scanned information and the scanning information are utilized to attach the powered wireless device to the GCN for the purpose of effecting a connection with a remote site therein to obtain information therefrom. As such, the combination of these two references with *Swartz et al.* does not obviate or anticipate Applicant's invention, as defined by the amended claims.

Claims 6-14, the remaining claims, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Swartz et al.* in view of *Friel et al.* As noted hereinabove, the *Friel et al.* references does not cure the deficiencies noted with respect to *Swartz et al.* and, therefore, the withdrawal of the 35 U.S.C. § 103 rejection with respect to Claims 6-14 is respectfully requested.

Applicant notes with appreciation the Examiner's detailed analysis of the claims in view of the cited references. Hopefully, minimizing the number of claims in this case to be prosecuted has simplified this matter somewhat and more concisely focused the issues.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,372 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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